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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,575	05/14/2004	Paul A. Manfredi	BUR920030054US1	3574
29154	7590	09/23/2008	EXAMINER	
FREDERICK W. GIBB, III Gibb & Rahman, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			CLEVELAND, MICHAEL B	
		ART UNIT		PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

The proposed After Final amendment will be entered upon filing of a properly filed Appeal Brief in support of a properly filed Notice of Appeal. The response will cancel claims 1-2 and 4-7 and render their rejections moot. All remaining claims will remain rejected under the current grounds.

### ***Response to Arguments***

Applicant's arguments filed 9/10/08 have been fully considered but they are not persuasive.

Applicant argues that the list in [0017] provides support for the limitation of claim 21. The argument is unconvincing because the list makes no indication that the alternative listed are intended to be used in combination, and particularly does not suggest the specific combination claimed.

Applicant argues that Yang does not disclose fins or projections. The argument is unconvincing because the corrugations of Yang are fins/projections.

Applicant argues that Yang does not teach or suggest that the shield of Yang prevent cleaning fluid from forming into a mist. The argument is unconvincing because one of ordinary skill in the art knows that a fin (or baffle) and a sponge inherently controls fluid flow. Using the known technique of controlling fluid and air flow with the absorptive fins (or baffles) as taught by '843 would have been obvious to one of ordinary skill in the art. It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

In response to applicant's argument that Mahvan is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the reference is concerned with a particular problem with which Applicant was concerned namely preventing material from bouncing back from a surrounding member.

In response to applicant's argument that Yang nor Mahvan teaches a perforated martial lining the shield with perforation facing the substrate, the examiner respectfully disagrees. '843 teaches said semi-permeable material made of a sponge material (a protective covering that serves to conceal and is perforated where perforated is defined as pierced with a hole or holes as evidenced by Dictionary.com) and faces said substrate (col. 2 lines 63-65, Fig. 3).

Any inquiry concerning this communication should be directed to MICHAEL CLEVELAND at telephone number (571)272-1418.

Michael Cleveland  
SPE  
Art Unit 1792

/Michael Cleveland/

Supervisory Patent Examiner, Art Unit 1792